

Spin Control: Here's how to fix flaws exposed by Washington Redistricting Commission's failure to redraw boundaries

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The Washington Redistricting Commission proposed this map for Congressional districts starting in 2022, but it was not approved by the deadline, so the state Supreme Court will determine the boundaries. (Molly Quinn / The Spokesman-Review)

While gerrymandering is a problem the nation needs to address, recent events reveal Washington's bipartisan redistricting commission isn't the perfect replacement for those bad old hyperpartisan legislative practices.

The Washington Redistricting Commission was hailed by "good government" advocates and approved by voters in 1983 after some serious problems with letting the Legislature handle the boundary redraws in the '70s. Those new districts were enough out of whack they were sent to a federal court.

There were few naysayers to that constitutional amendment back in 1983 and it passed easily. The "argument against" section in the Voter's Pamphlet was written by a pair of Spokane Republicans, Sen. Sam Guess and Rep. Dick Bond, who complained about turning the job over to an unelected board not accountable to voters.

The commission worked pretty well in 1991, 2001 and 2011. There was the standard grumbling from partisans on one side that thought certain districts went too far to the other side, and some loud squawking when a district was eliminated from one part of the state and moved to another part, as happened when Spokane lost the 5th Legislative District in the 1990s redraw because East Side population wasn't keeping up with the West Side.

The process started in the year ending in "1" when new census figures are released. New maps were due by Jan. 1 of the year ending in a "2." Some voters probably discovered they were in a new district months later when the campaign mailers started arriving in the mail, or even when they got their ballot and noticed that the district number or the names didn't match their recollection.

If the commission missed the deadline, the state Supreme Court was to take over and had until April 30 to sort out the mess, although that never happened.

The New Year's Day deadline allowed legislators a peek at the new districts a week or two before they returned to Olympia. If they wanted to make any changes, they had to do it in the first 30 days of the session with a two-thirds majority. After that, the new boundaries became law.

Ten years ago the commission struggled a bit to meet its deadline. It needed a long session on New Year's Eve and a final deal on legislative boundaries New Year's Day. The Legislature accepted the new boundaries, but not without grumbling a bit about the need to make any changes with a two-thirds supermajority by halfway through the session.

Under the guise of giving the public more input, better government and saving money, the Legislature in 2016 asked voters to make what it called one of the nation's best redistricting systems better. It unanimously passed an amendment to the amendment that moved the deadline for the commission to Nov. 15. Lawmakers would still have 30 days after they return for the 2022 session to try to make changes with a two-thirds supermajority. The court would still have until April 30 if the commission missed its deadline.

The new schedule would benefit the public by requiring the final deliberations and decisions to happen before the public got busy with the holidays, supporters said.

"Digital technology now enables the commission to work more efficiently," legislators told voters in the 2016 Voter's Pamphlet. "This simple yet important change shortens a year-long process by six weeks, offering benefits to voters and taxpayers alike."

No one wanted to offer an argument against the constitutional amendment. Who would dare go on the record against public participation, good government, saving money and not mucking up the Christmas holidays with redistricting meetings? The measure passed by a 3-to-1 margin.

But in politics, having all legislators and a huge majority of the voters think this is a great idea doesn't make it so. The amazing digital technology lawmakers claimed would cut six weeks off the job wasn't any good until the federal government produced the 2020 Census data, which were months late because of bureaucracy and a pandemic. The commission held public meetings before and after it got the data, but primarily by video conferencing thanks to COVID-19.

When it came to making the final decisions, commissioners made deals outside of public view despite their professed love for public participation. As the clock ticked toward midnight on the final day, commissioners were in separate rooms passing proposals back and forth like legislators cutting deals on a controversial bill or union and management representatives trying to reach a final agreement on a tough labor contract.

Not surprising, considering three commissioners are former legislators and the fourth is an official with the state Labor Council. But it's also not the openness voters were led to expect would happen with this change and seemed to thumb its nose at state laws on public meetings.

The final deals – commissioners called them agreements or settlements, voting even though they apparently weren't in written form and or final maps drawn – were approved less than a minute before midnight. They didn't approve a formal resolution adopting the redistricting plan until a few seconds after midnight, [according to the sworn statement the commission chair filed](#) with the state Supreme Court.

So much for good government and “ensuring the plan is adopted when the public is better able to provide feedback” that voters were promised in 2016.

Now the redistricting process is in the hands of the Supreme Court, which has set up [a new section on its website](#) to help the public track its work on redrawing the lines.

The court has until April 30, although whether it will need that much time isn't yet known. The commission is suggesting the court adopt its plan, but the court isn't a rubber stamp and it seems unlikely the justices will do that without at least some review.

It's possible local elections officials won't have more time to implement the new boundaries, which was another stated reason for moving up the deadline.

Legislators should take some lessons from the commission's failures this time around that were prompted in part by the changes made in 2016.

If they really are concerned about public attention being low during the holidays, they should move the deadline up to Jan 15, rather than back to Nov. 15. But they should keep the deadline for their changes the same at 30 days after the session starts, because in truth the legislative caucuses are better dialed into the process than almost anyone else. They have staff following the process and if they can push through a

budget in a day or two, as is typical at the end of every session, they could fix an egregious redistricting in a week or two.

They should require all discussions that happen on deadline to be open to the public, with no “executive” sessions.

It’s unlikely that the nation will be facing another pandemic or delays in the census data in 2031. But the redistricting amendment should also be amended to allow the Legislature to extend the deadlines for the final boundaries once, for a week, if requested by the commission.